

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FIDELITY AND DEPOSIT COMPANY OF,
MARYLAND, in its own right and as subrogee
and assignee of various obliges and claimants,

Plaintiff,

Case No. 04-72643
Honorable Lawrence P. Zatkoff

vs.

A-MAC SALES & BUILDERS COMPANY, a
Michigan corporation, ANDREW G. McLEMORE,
individually, and ANDREW G. McLEMORE, as
Personal Representative of the ESTATE OF
DOROTHY McLEMORE,

Defendants,

and

A-MAC SALES & BUILDERS COMPANY, a
Michigan corporation,

Third-Party Plaintiff,

vs.

THE CITY OF DETROIT HOUSING
COMMISSION, a Municipal corporation,

Third-Party Defendant.

ORDER

I. INTRODUCTION

This matter is before the Court on two Motions for Reconsideration, one filed by A-MAC Sales & Builders Co. (“A-MAC”) with respect to the Court’s Opinion and Order granting Fidelity and Deposit Company of Maryland’s (“Fidelity”) Motion for Summary Judgment (Docket #55) and

the second filed by The City of Detroit Housing Commission (“DHC”) with respect to the Court’s Opinion and Order denying DHC’s Motion to Dismiss (Docket #54). The Court finds that the facts and legal arguments are adequately presented in the parties’ papers and the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. MICH. LR 7.1(e)(2) and 7.1(g), it is hereby ORDERED that the motion be resolved on the briefs submitted. For the reasons set forth below, the Motions for Reconsideration filed by A-MAC and DHC are DENIED.

II. DISCUSSION

A motion for reconsideration is governed by E.D. MICH. LR 7.1(g)(3), which states, “the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.”

A. A-MAC’s Motion for Reconsideration is Denied.

By its Motion for Reconsideration, A-MAC argues that this Court improperly granted Fidelity’s Motion for Summary Judgment as to all of Fidelity’s claims. The Court finds that A-MAC’s Motion for Reconsideration merely presents the same issues that were already addressed by the Court in its June 5, 2006, Opinion and Order addressing Fidelity’s Motion for Summary Judgment. In addition, although not expressly noted in each Section of such Opinion and Order, the Court did consider and take into account the effect the Comprehensive Plan A-MAC asserts that it submitted to Fidelity on October 30, 2000. Therefore, A-MAC’s Motion for Reconsideration is denied.

A. DHC’s Motion for Reconsideration is Denied.

By its Motion for Reconsideration, DHC argues that this Court improperly denied DHC’s

Motion to Dismiss A-MAC's cross claims against DHC. The Court finds that DHC's Motion for Reconsideration merely presents the same issues that were already addressed by the Court in its June 5, 2006, Opinion and Order addressing DHC's Motion to Dismiss. Moreover, the exhibits attached to DHC's Motion for Reconsideration do not persuade the Court that a reversal of its prior decision is warranted. Therefore, DHC's Motion for Reconsideration is denied.

III. CONCLUSION

For the above reasons, the Motions for Reconsideration filed by A-MAC and DHC are hereby DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 31, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 31, 2006.

s/Marie E. Verlinde

Case Manager
(810) 984-3290